

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

KENNY GLENN STELLY,)

Defendant.)

CASE NO. 07-174M

DETENTION ORDER

Offenses charged:

Count I: Felon in Possession of a Firearm.

Count II: Possession of MDMA with Intent to Distribute.

Date of Detention Hearing: April 18, 2007

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Andrew Colasurdo. The defendant was represented by Paula Deutsch.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) There is probable cause to believe the defendant committed the drug offense. The maximum penalty is in excess of ten years. There is

1 therefore a rebuttable presumption against the defendant's release based
2 upon both dangerousness and flight risk, under Title 18 U.S.C. §
3 3142(e).

4 (2) The defendant is viewed as a risk of danger due to the nature of the
5 instant offense and his criminal history. He is currently serving a 26-
6 month sentence in the Washington State Department of Corrections on
7 Violation of the Uniform Controlled Substance Abuse Act and firearm
8 charges. His anticipated of release is May or June 2007.

9 (3) Defendant is viewed as a risk of nonappearance as he has a history of
10 failing to comply with Court orders and terms of supervision on release.

11 (4) Defense counsel stipulated to detention.

12 Thus, there is no condition or combination of conditions that would reasonably assure
13 future court appearances.

14 **It is therefore ORDERED:**

15 (1) Defendant shall be detained pending trial and committed to the custody
16 of the Attorney General for confinement in a correctional facility
17 separate, to the extent practicable, from persons awaiting or serving
18 sentences, or being held in custody pending appeal;

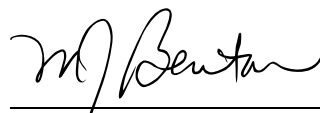
19 (2) Defendant shall be afforded reasonable opportunity for private
20 consultation with counsel;

21 (3) On order of a court of the United States or on request of an attorney for
22 the Government, the person in charge of the correctional facility in
23 which Defendant is confined shall deliver the defendant to a United
24 States Marshal for the purpose of an appearance in connection with a
25 court proceeding; and

26 (4) The clerk shall direct copies of this order to counsel for the United

1 States, to counsel for the defendant, to the United States Marshal, and to
2 the United States Pretrial Services Officer.

3 DATED this 26th day of April, 2007.

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6 MONICA J. BENTON
7 United States Magistrate Judge
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